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## ANARCHISTIC CRIMES.

THE strongest opposition to the full realization of an *entente* for the suppression of anarchism as a form of criminality has come from two classes of incurable doctrinarians. The first class includes those who cling to the rhetorical conception of "political" crime, chiefly derived from the classical notion of tyranny, and who therefore contend that even the most atrocious deeds, when committed in the name of the anarchistic theory or of any political theory whatsoever, are to be regarded as political crimes and to this extent excluded from the law of extradition. The second class consists of those who repeat the misleading commonplace, that "laws are insufficient to repress anarchism, because persecution incites imitation." These latter, among whom we find such an authority as Professor Lombroso,<sup>1</sup> go so far as to say that "the idea of suppressing not the microbes of anarchy but the sick [*i.e.*, the anarchists] is one that cannot take shelter except among a people unworthy to live and to enjoy the light of modern civilization." Anarchism, they claim, cannot be suppressed, except by eliminating those causes of social distress that constitute the fertile soil for the development of this social disease.

### I.

The first of these two views is grounded upon a misleading notion of political crime. Against this notion it cannot be too strongly insisted that, within the range of acts involving murder or theft, there is no such thing as a "political" crime.

What, then, is crime, in its typical and most general form?

Garofalo, the Italian criminologist, has justly remarked that, if we look to the racial development of moral ideas for light

<sup>1</sup> See *The Independent*, December 8, 1898.

upon the genesis of the conceptions of crime and punishment, we are at first struck by the great variations in the ethical standards of conduct among different peoples and at different epochs. What inoffensive deed has not been pronounced criminal? And what act, however monstrous, has not been excused and even justified? The relativity of the notion of crime thus at first appears undeniable. But let us push our analysis farther and deeper. Leaving aside a few savage tribes, degenerate or incapable of development, which represent a real anomaly in the life of the race, let us consider the moral evolution of the superior types of humanity. Through all the infinite transformations of morality, under the sway of superstitions, customs, institutions, legislation, we can invariably detect a common fund of feelings that constitute the elementary moral sense — the common endowment of peoples that have reached the human or social plane, the indispensable soil for the complex and highest developments of virtue. These feelings, the exceptional absence of which characterizes the born criminal, and the exceptional violation of which constitutes crime in its primitive and typical form, may be said to be identical with the minimum of "pity" and "probity" presupposed by horror of bloodshed and by repugnance to theft. Without the existence of such a minimum of pity and probity in the average man, murder and theft, the most violent assertions of individual activity, would spread unchecked to the point of destroying the possibility of collective life. Thus we find in Garofalo's theory the touchstone for recognizing the criminal, and therefore abnormal, character of certain human actions. There is crime whenever there is perpetrated, for whatever purpose, an offense, in the form of murder or theft, against either of the two fundamental forms of the ethical sense. This is what he calls *delitto naturale*, meaning crime in its primitive and typical manifestation.<sup>1</sup>

Now, what has always been understood as a political crime is a deed directed against the persons or things representa-

<sup>1</sup> There is a French translation of Garofalo's *Criminologie* in Alcan's Bibliothèque de philosophie contemporaine.

tive of the collective authority, with the purpose of bringing about, directly or indirectly, a violent change in the framework of social institutions, according to a certain plan of reform in opposition to the opinions of the majority which rule the community. According to Lombroso's well-known theory, the so-called political crime is but the abnormal manifestation of a normal fact, namely, the typical contrast between inventiveness, the privilege of a few, and the conservatism — or, as he puts it, the "misoneism" — of the majority. This antagonism of tendencies lies at the root of social life. There is and there always will be, in every social group, a minority of dissidents — a number of minds entirely or partially refractory to the suggestions of dominant ideals. But there is an almost infinite scale of intensity in inventiveness — from the creations of genius down to the hallucinations of the maniac. When the unavoidable residuum of dissidence is cast into the mould of a thought of genius, which reveals the inefficiency of old, hardened structures, the impotence of obsolescent customs and codes to control new wants, and suggests a new formula of satisfaction, then we have revolution. This, in spite of the name, is a normal fact; for it is the means through which the altered equilibrium is reestablished between social wants and social institutions. When, on the contrary, the dissidence represents, instead of germinal ideas, only gross emotionalism, resulting in restlessness and morbid sentimentality, then the result is rebellions and riots — immature phenomena, destined by their very immaturity to undoubted failure. In these sterile attempts to alter violently the organization of the collective life, against the resisting will of the majority, Lombroso finds what has been termed "political crime." There is, he remarks, a constant flow of common criminality into the field of political *neophilia*. But while in revolutions the number of normal exceeds that of abnormal people among the participants, in partial rebellions and in riots the excess of degenerates over normal people is overwhelming.<sup>1</sup>

<sup>1</sup> Lombroso and Laschi, *Il Delitto politico* — translated into French under the title, *Le Crime politique et les révolutions*, in Alcan's series.

An objection to this theory may be derived from the evident impossibility of drawing a sharp line of demarkation between a revolution and a rebellion. The theory, it has been remarked, assumes success as the criterion of discrimination between what is to be regarded as a normal form of political dissidence and what is to be regarded as a crime. Certainly, a murder, even if committed in the course of a successful revolution, does not lose its criminal character and does not differ from a murder committed during the excitement of a sporadic riot. Thus, while agreeing with Lombroso in the main lines of his conception, it seems safer to assume that what marks the appearance of a crime grafted upon the assertion of a political dissidence is not the success of the undertaking, but the use of violence as a means for bringing about the desired change in social institutions.

Violence means, of course, action upon persons and things : it means an aggressive assertion of the individual personality, leading — if left unchecked — to destruction of persons and property. Such an offense presupposes in the offender the absence, either permanent or transitory, of the minimum of pity or probity required for the normality of the moral type of man. When the equilibrium of this type is destroyed through the contagious suggestion of the mob, we have the murder and theft committed during revolutions and rebellions. When, on the contrary, the equilibrium is altered by the action of individual factors of degeneration, we have the solitary deeds of maniac or epileptic regicides. In all these instances, the so-called political crime is nothing but a variety of crime in its typical form of murder and theft, having as its impulsive suggestion a political thought or scheme of social reform. This latter is not the crime, but the impulse to crime, finding its way into murder and theft through the action of degenerative causes — collective or individual — which destroy the normal equilibrium of the moral type of man.

According to this view, political crime, when involving murder or theft, differs from what is called common crime only in its motive. The motive of the political crime may be, instead of

desire for vengeance or personal cupidity (as in common crimes), the desire to bring about a change in the political organization of the social group. But the quality of the end in view is irrelevant, when the means constitutes an act incompatible with social life. A man who commits murders and thefts is a man who has not the endowment of feelings which constitute the foundation of moral sense and who is, therefore, an abnormal man. Thus, whenever for political purposes an offense is perpetrated which presupposes, like murder and theft, the absence of the minimum of pity and probity required for the normality of the moral type of man, the denomination "political crime" becomes misleading. There we have crime, pure and simple.

## II.

In anarchistic crimes the political thought or theory is the initial suggestion to crime. What, then, is anarchism as a theory? We need not trace in detail the well-known history of the doctrine of anarchism; but the fact must be emphasized that anarchism represents but one variety in the development of the thought which runs through the different theories known by the name of socialism. Throughout the numerous sects into which socialism has crumbled we can detect a common principle—namely, the aspiration to terminate the violent separation of workers from the two sources of subsistence and culture, land and capital. This central aim is based upon the assertion that social evolution has tended gradually to exclude the producing classes from the possession of those two sources of enjoyment and happiness, and to establish a new slavery—that of the workers who have nothing to depend upon but precarious wage labor. For the attainment of the common end, a variety of plans and schemes of social reorganization have been proposed, revealing two antagonistic tendencies—the collective and the individualistic (*libertaire*). Thus, the different schools of socialism can be classified into two groups. Those of the first group (Fabian Society, Vollmar's followers, Marxists of various denominations, *Possibilistes*)

maintain that the ideal organization of society can be achieved only by means of a powerful concentration of authority in a collective organ, emanating from the popular will and intrusted with the control of the distribution of wealth, according to certain predetermined lines: in other words, they desire to extend the function of government to the domain of economic facts. The schools of the second group aim at suppressing every form of "external" authority, and at replacing the coercive system by one of spontaneous coöperation, based on the alleged aptitude of man to recognize his own interests and to act voluntarily in the direction that leads to their protection. This group includes the various anarchistic sects.<sup>1</sup>

Thus, we must be on our guard against the misleading assertion that socialism has nothing in common with anarchism. That statement is often repeated, either through ignorance of the doctrinal antecedents of both socialism and anarchism,<sup>2</sup> or through reasons of political opportunism, when it seems desirable for socialists to disclaim any solidarity with the criminal deeds of militant anarchism. Historically and theoretically, however, socialism and anarchism are branches of the same tree. Socialism is the outcome of the French Revolution. At its root we find the whole *bloc* of Jacobinistic delusions — the assumption of a pre-social condition of absolute freedom, equality and independence, with the conception of the contractual character of social intercourse and of the consequent possibility of remodelling at any moment the constitution of society, according to an ideal plan. Without the French Revolution and the great intellectual movement which made ready for it during the whole of the eighteenth century, there would have been no socialism — at least, not in the form which it first assumed. The fever of constructive speculation upon the ideal organization of society

<sup>1</sup> This is precisely the interpretation of anarchism given by one who can be considered an authority on the subject, Saverio Merlino, the well-known Italian anarchist, in his work, *Pro e contro il Socialismo: esposizione critica dei principii e dei sistemi socialisti*. (Milan, 1897.) This book has been recently translated into French, as *Formes et essence du socialisme*. (Paris, Giard & Brière, 1898.)

<sup>2</sup> It is surprising that it should also be repeated by Nitti, in his article on "Italian Anarchists," published in the *North American Review*, November, 1898.

which characterized the last decades of the eighteenth and the beginning of the nineteenth century, was determined by the industrial crisis then prevailing in Europe, as the result of inventions and technical improvements, the applications of steam, the rise of the factory system and the beginning of the absorption of working producers into an army of wage laborers. It was this complex movement of facts that suggested the possibility of further developments of the Revolutionary doctrine in the direction leading to socialism.

But, as an outgrowth of the French Revolution, socialism reproduced the same contrast of tendencies which gave so peculiar an aspect to the Jacobinistic carnival: on the one hand, a tendency to centralization—to an all-invading, all-absorbing type of government; and, on the other, a tendency to a violent assertion of the rights and activities of the individual. Thus we find, on the one side, Saint-Simon, the first socialist of the collectivistic stamp, whose central idea was to organize a strong directive power in society and intrust to it the task of supplementing by positive and constructive achievement the negative and entirely destructive movement of the Revolution.<sup>1</sup> On the other side we find Proudhon, the representative of the ultra-individualistic tendency, the man who claimed that the highest perfection of society lay in the absence of any form of government whatsoever. Here we have the first utterance of the anarchistic theory. The extreme individualism of the Revolutionary doctrines contained the germ of anarchism, and Proudhon undoubtedly helped to bring that germ to maturity. He was the true founder of anarchism. But we must never lose sight of the fact that he manifested the same trend of thought as Fourier, Saint-Simon, Louis Blanc; that, like them, he was a representative of the Revolutionary spirit; that, like them, he started from a conception of the purest "contrat-social" character—that of a man having rights antecedent to social life and therefore imprescriptible. Proudhon is separated from the collectivistic group only by a different conception of the

<sup>1</sup> See the interesting study by Georges Weill, *Un Précurseur du socialisme, Saint-Simon et son œuvre*. (Paris, 1894.)



means to be adopted for the attainment of the same end. The ideal state of society shown by Proudhon to be incidental to the suppression of government presupposes the common possession of land and capital — the appropriation by the community of the instruments of production. There we find the central idea of socialism, which is the transformation of private competing capitals into a common capital, with a view to an equitable distribution intended to insure the full development of human personality.

The contrast of tendencies just pointed out was accentuated when, after 1848, the leadership of the socialistic movement passed from France to Germany and an inoculation of Hegelian blood gave renewed vigor to the theory, lifting the fog of Utopias and furnishing a pseudo-scientific form and basis to the plans of social reorganization. Here we find, on the one side, Karl Marx and his disciples, the representatives of the collectivistic doctrine and, on the other side, the gloomy figure of Bakounine, the depositary of Proudhon's individualistic creed, the apostle of pan-destruction and revolution. But Proudhon emphasized the fact that the abolition of government, anarchy, will be rendered possible only by a superior condition of human enlightenment and self-control, in which the individual shall be a law to himself, and thus pointed to the ideal and remote character of this social state, to be reached only through laborious development. Bakounine insists, on the contrary, on the possibility of the complete and direct abolition of classes and of political, economic and social inequalities, through the wholesale destruction of the present framework of society — the demolition by all available means of existing social institutions. But, even in this extreme form, the anarchistic doctrine appears to embody merely one means to that end which is common to all forms of socialism. While the Marxists and all the socialists of the collectivistic group hope to attain the more equitable distribution of wealth by coercion and by an intensification of the "external" authority, the anarchists claim that it may be attained through the free play of individual activities.

## III.

The only possible standpoint from which to judge the logical soundness of the various socialistic theories is, however, the *ensemble* of practical devices submitted by every school as a means to social reconstruction. From this point of view, the socialistic theories exhibit a remarkable gradation of Utopian absurdity. From the Marxist or collectivistic doctrine down to the extreme shades of anarchism, we proceed to a climax of delusion. In the collectivistic theories we find acknowledged certain fundamental exigencies of social life, such as the necessity of a directing power and of a collective control over common interests and individual desires. In the anarchistic theories, from Proudhon down to their latest interpreters, we find a construction regardless of reality, a pure *a priori* creation—the new social organization resting on the conception of a man entirely different from what man is in real life. Between anarchistic dreams and insane delusions the boundary is almost imperceptible. When we have run the scale of the different shades of anarchism, we find ourselves far beyond the limits of mental sanity. It is not easy to draw a sharp line of demarkation between the hallucinations of a maniac and the so-called “theories” embodied in books like those of Tucker, Grave and Sébastien Faure. This explains the striking difference in the quality of the public that rallies around the two characteristic schools of socialism. Anarchism is a sort of refuge for all intellectual *déclassés*: it is a drain collecting the irreducible residuum of unassimilated minds, the waste product of social culture.

But anarchism is something more than an academy of nonsensical talk preparatory to the asylum. The insistence of the latest theorists of anarchism, since Bakounine, on the necessity of absolute freedom in the present condition of the great masses of the people, is the cause of the transformation of the theory itself into a tremendous agency of criminality. The ideal of anarchism, as outlined for a remote future by Proudhon,—a social state in which the necessity of government has vanished by the

superior elevation of man's ethical power of self-control, — is undoubtedly of the highest character, aiming at a superior type of humanity, such as is set forth by the most enlightened religions and philosophies. But the loftiness of the ideal is necessarily unintelligible to the masses, while the possibility of absolute freedom through pan-destruction is grasped only in its reference to the low passions and appetites of the human gorilla. Thus the necessity of destroying every vestige of authority, by every possible means, which is one of the corner stones of Bakounine's doctrines, attracts all social outcasts — the dissatisfied people who, not having succeeded in life, are filled with envy and bitterness — and all those on the border of crime, who find in militant anarchism a wide field for the assertion of their destructive impulses.

In anarchism we find a confluence of two currents of social degeneration: intelligence which has proved incapable of becoming an agency of social progress and is, therefore, forced into the regions of Utopia; and character which has failed to yield to the exigencies of social adaptation and is, therefore, forced into the field of rebellion and violence. Thus it happens that the doctrinarians of anarchism are scattered among a mob of desperate criminals. Men like Caserio, Angiolillo and Luccheni do not become assassins because they are more or less imbued with the most superficial aspects of the theory of anarchism, but simply because they are born criminals. To become a doctrinarian of anarchism like Sébastien Faure or Grave, there is only necessary a sufficient degree of mental unbalancing to prevent one from perceiving the Utopistic side of the theory. But to become a propagandist by act, or an assassin, it is necessary that a strong tendency to crime exist prior to the initiation into the theory. This explains why some anarchists do not go beyond the speculative intoxication, — as, for example, Reclus, — while others, the majority, are thrown into the field of crime by the suggestions of violence and destruction contained in Bakounine's manifestos. This unavoidable drift of the anarchistic theory to become a channel for criminal instincts — what the French would term the *égout* or, still better, one of the social

*égouts* — is proved by the fact that anarchism is just the form in which the socialistic doctrines have largely spread over the Romance countries, more profoundly contaminating those who show the highest rate of illiteracy and criminality. The coincidence of these two facts — diffusion of anarchism, on the one side, and a high percentage of illiteracy, together with a heavy rate of criminality, on the other — goes to show that anarchism cannot find favorable conditions of development where the social fibre is sound, where the criminal or anti-social tendencies are not strong enough to furnish a large body of people ready to accept the destructive formulas of Bakounine. Thus, a fermentation of criminality seems to be the outcome of the anarchistic theory, which acts as a leaven upon certain low strata of the social population. The theory is not the crime, but it is the impulsive suggestion to crime.

#### IV.

If this analysis be correct, what we have called the rhetorical conception of political crime must necessarily fall to pieces. The exclusion of criminal deeds involving murder and theft from the law of extradition, on the ground that they are committed for political purposes, appears to be utterly unjustifiable. We have said that the quality of the end in view is irrelevant when the means constitute an act incompatible with social life. A man who commits murders and thefts is a man who has not the original endowment of feelings which constitute the foundation of moral sense. He is, therefore, an abnormal man, and must be suppressed or rendered impotent for doing evil. Whenever the two typical forms of crime — murder and theft — appear, the fact that they are essentially anti-social acts, incompatible with collective life, calls for prompt repression, in the name of social defense, and justifies extradition.

This conclusion is in perfect agreement with the position taken by the *Institut de Droit International* in its memorable session of September, 1892, at Geneva, when the subject of

extradition was thoroughly discussed, especially with reference to political crimes.<sup>1</sup>

Here are the resolutions adopted by the *Institut*:

1. Extradition cannot be granted for purely political crimes.
2. It will not be granted in the case of offenses connected with political crimes (*délits politiques relatifs*) unless there be committed such crimes as murder, assassination, poisoning and theft, especially theft perpetrated by violence.
3. Offenses committed during an insurrection or a civil war cannot give rise to extradition unless they represent odious acts of barbarism in opposition to the law of civilized warfare.
4. Crimes directed to uproot the fundamental social institutions, irrespective of national divisions or of any given political constitution, or form of government, are not to be considered as political crimes.

This latter proposition refers to anarchism. The resolution of the *Institut* thus appears to be determined by a conception of crime identical, in the main, with that outlined by Garofalo.

## V.

But when once the legitimacy of extradition is acknowledged in the case of common crimes committed in the name of the anarchistic theory, we must ask ourselves the question: Shall we punish anarchists only when they commit murder or theft, leaving them unmolested when they preach their doctrines of destruction without passing from the word to the act? This is a vital point. If the freedom of propaganda is to be admitted, then the suppression of anarchism becomes an impossibility and every other means that may be devised for that purpose will prove ineffectual.

Since the laborious investigations of the last twenty years in the field of social phenomena have led to the discovery that social intercourse is essentially a phenomenon of inter-cerebral action—that is to say, a fact of suggestion and imitation;<sup>2</sup> since

<sup>1</sup> For a clear account of the question, see Rolin, "Du Principe de la non-extradition en matière de délits politiques," in *Revue de Droit International*, 1892, p. 17.

<sup>2</sup> The reader is referred to recent sociological literature, mainly to the works of Tarde (*Les Lois de l'imitation — Les Lois sociales*) and Baldwin (*Social and Ethical Interpretations in Mental Development*).

we know that thought is the "social matter" — the only thing which is transmitted through imitation from one individual to another — and therefore the only agency of social transformation, capable of being, according to its ever-changing contents, a ferment of progress as well as an instrument of demolition, our conception of government and of collective authority at large must necessarily undergo a profound modification. We can no longer imagine government as the passive instrument for the preservation of material order. It must have positive duties of leadership in the pursuit of the good; and, while its negative function is to insure the free competition of ideas or "inventions" (in the wide Tardian meaning), in order that the virtualities of each may be ascertained through the method of universal suffrage, it is the positive duty of government to see that the integrity of social life is not impaired by the diffusion of anti-social ideas — of ideas suggestive of acts leading to social disintegration. It has been justly remarked that "there are poisons for the mind just as there are poisons for the body. Certain doctrines are veritable poisons for the soul. . . . The number of intellectual poisons is as great as that of physical poisons."<sup>1</sup>

The doctrine of anarchism in its latest developments presents crime in its two typical forms, murder and theft, as the only possible means of reaching the ideal state of society. If the suggestions of this theory were to be carried out by a great number of men, the unchecked spread of murder and crime would soon bring the body social to an end. Hence, the theory is poisonous and must not be left to exert its tremendous power of contamination. The possibility of the propagation of the theory, in its aggressive form of the so-called propaganda by act, ought to be suppressed by every available means. It is not enough to punish the murderers and thieves of anarchism, and to extend the law of extradition to such criminals: it is necessary also to punish as a crime the propaganda of murder and theft by speech or writings. To this crime extradition

<sup>1</sup> L. Proal, *Political Crime*, translated from the French, with an introduction by Prof. F. H. Giddings (New York, Appleton, 1898), p. 101.

should be applied, on the ground that we are thereby confronted with a crime which reveals in the delinquent the absence of that minimum of moral feelings which constitute the elementary moral sense of a normal man. It is not proposed, of course, to make criminal the mere expression of anarchistic hopes for a remote future, without any reference to the means through which the ideal is to be attained. The ideal of anarchism does not constitute the crime, but the means proposed for its realization by the latest interpreters of the doctrine do constitute crimes; and therefore the incitement to commit them call for a penal sanction, for the same reason that the incitement to murder and theft for purposes other than political is punished as a crime.

## VI.

In this direction the solution of the problem is to be found. The assertion, repeated by Nitti, that "laws are insufficient to repress anarchism," is, as we have already noted, a misleading commonplace. Persecution may incite imitation, arousing enthusiasm and renewed faith in certain exceptional cases of morbid emotionalism, when the anarchistic intoxication is the outcome of a profound alteration of the mind. Upon these maniacs the laws, of course, will have no effect. But there are among the recruits of anarchism a greater number of individuals who still retain a sufficient degree of mental control to understand the possibility of avoiding acts that lead to suffering. Upon these, undoubtedly, the penalties of the law would have an inhibitory effect, thus neutralizing the motor power of the suggestion which, if not interfered with, would have thrown them into the obsession of the anarchistic nightmare.

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